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DIGEST OF WATER POLLUTION CONTROL LEGISLATION: NEVADA

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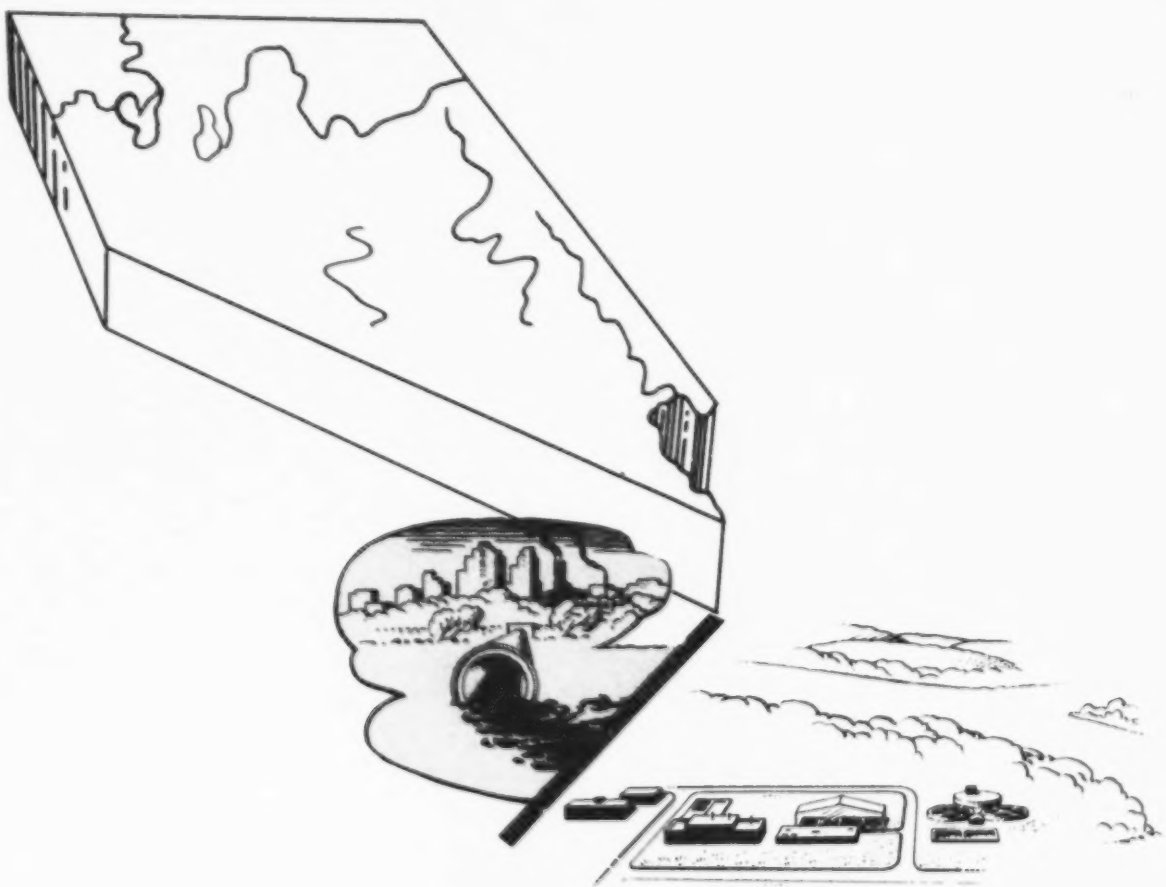

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Public Health Service

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Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

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DIGEST OF NEVADA WATER POLLUTION CONTROL LEGISLATION

I. GENERAL STATEMENT

The State Board of Health has the primary function of controlling water pollution.

The Board is designated by statute as the Water Pollution Agency of the State for all purposes of the Federal Act and is authorized to take action necessary to secure to the State the benefits thereof (Sec. 445.050) 1/. It is authorized to cooperate with the Surgeon General and other Federal agencies, other states, interstate agencies, and other interested parties in all matters relating to water pollution, including the development of programs for abating pollution and improving the sanitary condition of water; to apply for and receive funds made available to the State Board of Health under the Federal Act by any agency of the Federal Government; to approve projects for which application for loans or grants under the Federal Act is made by any municipality, (including any district or other public body having jurisdiction over disposal of sewage, industrial wastes or other wastes), agency of the State, or interstate agency; to participate in proceedings under the Federal Act; to recommend measures for abatement of water pollution originating in the State; to give consent on behalf of the State to requests by the Secretary of Health, Education and Welfare to the Attorney General of the United States for the bringing of suit for abatement of such pollution; and to consent to the joinder as a defendant in such suit of any person who is alleged to be discharging matter contributing to the pollution (Sec. 445.060).

1/ Citations in this digest refer to the Nevada Revised Statutes, unless otherwise noted.

The State Department of Health maintains the State Hygienic Laboratory where, among other things, examinations and analyses are made of water, natural ice and sewage (Sec. 439.240).

The Oil and Gas Conservation Commission has authority to require the drilling, casing and plugging of wells in such a manner as to prevent the pollution of fresh water supplies by oil, gas or salt water (Sec. 522.040).

II. ADMINISTRATIVE ORGANIZATION

A. State Board of Health

1. Composition and organization

The Board consists of the Governor and four other members appointed by him, two of whom must be doctors of medicine licensed to practice in the State, and one of whom must be a dentist similarly licensed. The terms of the appointive members are for four years, except as to those first appointed. The Board holds regular meetings on the second Tuesdays in January and July of each year; it holds such special meetings as may be called by the Chairman, or when requested by the State Health Officer or by two members of the Board. Three members constitute a quorum, but a majority is required for approval of all questions. The State Health Officer is appointed by the Board, with the approval of the Governor. He is the Executive Officer of the Board and acts as its Secretary (Secs. 439.030 - 439.040 - 439.060 - 439.070 - 439.080).

2. Powers and duties

a) General authority

The Board has general supervision over all matters relating to the preservation of the health of the citizens of the State (Sec. 439.150).

b) Enforcement

It is unlawful for anyone to construct: (a) a dwelling; (b) a building for human occupancy; (c) a building for commercial purposes; (d) a system for the procurement or distribution of drinking water; or (e) a system for the collection or disposal of wastes in any part of the Lake Tahoe Watershed without first obtaining written permission from the Division of Public Health Engineering of the State Department of Health. However, no permit is required for construction not requiring domestic water or a means of sewage disposal (Sec. 445.080).

The discharge of wastes into Lake Tahoe, or within 100 feet of the established high water rim of Lake Tahoe, or within 100 feet of a stream, reservoir, spring, well or other water supply in the Lake Tahoe Watershed, is prohibited; provided, that where the characteristics of the property or other limitations are such that disposal cannot be provided other than within 100 feet of Lake Tahoe, then the State Department of Health can issue a permit for such disposal subject to the installation and operation of such sewage works as may be necessary to provide protection to the Lake Tahoe water and the Lake Tahoe Watershed (Sec. 445.090).

In connection with its authority to protect the watershed of Lake Tahoe, the Board is authorized to adopt and enforce reasonable rules and regulations; it is also authorized to enter on any property within such watershed for the purpose of inspecting premises to determine whether or not they are in conformity with the provisions of the law governing the protection of the Lake Tahoe Watershed (Sec. 445.100). Anyone vio-

lating such law or such rules and regulations is guilty of a misdemeanor and, on conviction, may be punished by a fine of not more than $500 or by imprisonment in the county jail not to exceed three months, or both (Sec. 445.120).

The Attorney General, with the consent of the Governor, is authorized to take such action against anyone as may be necessary to prevent the pollution of any public waters of the State, whether the source of pollution be within or without the State (Sec. 445.020).

c) Administrative powers

The Board is empowered to adopt and enforce rules and regulations, which have the force and effect of law, for, among other things, (1) the prevention of nuisances, (2) the regulation of sanitary practices, and (3) the sanitary protection of water and the control of sewage disposal (Sec. 439.200).

The Board is authorized to hold hearings and summon witnesses to testify before it (Sec. 439.190). It is required to make a biennial report to the Governor, setting forth the condition of public health in the State and making recommendations for legislation and appropriation (Sec. 439.180).

III. MISCELLANEOUS STATUTORY PROVISIONS RELATING TO WATER POLLUTION

It is unlawful to fish in any waters of the State with any explosive compound (Laws of Nevada, 1957, Assembly Bill No. 151, sec. 3, to be added to Nevada Revised Statutes as sec. 503.290).

It is a misdemeanor to place in any waters of the State any lime, gas tar, cocculus indicus, slag, acids or other chemical, sawdust, shavings, slabs, edgings, mill or factory refuse, sewage, garbage or any

substance deleterious to fish (Laws of Nevada, 1957, Assembly Bill No. 151, sec. 4, to be added to Nevada Revised Statutes as sec. 503.430).

It is a misdemeanor for anyone to deposit or allow to be washed into any waters of the State any sawdust, pulp, oils, rubbish, filth or poisonous or deleterious substance which affects the health of persons, fish or livestock, or renders such waters unpalatable or distasteful (Sec. 445.010).

It is a gross misdemeanor for the operator of any waterworks to furnish water for public or private use which has become impure (Sec. 445.030).

It is unlawful for anyone wilfully to poison any spring, well or reservoir of water (Sec. 202.170).

It is a gross misdemeanor for anyone to cast into any lake, creek or river, wholly or partly in the State, the offal from, or the dead body of, any animal (Sec. 202.180).

It is a public nuisance for anyone to befoul any lake, navigable river, bay, stream, canal, ditch, millrace or basin (Sec. 202.450).